

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16324 of St. John's College High School, pursuant to 11 DCMR 3108.1, for a special exception under the provisions of Section 206 to allow an addition to an existing gymnasium of a private school in an R-1-A District at premises 2607 Military Road, N.W., (Square 2308, Lots 804 through 807).

HEARING DATE: March 18, 1998
DECISION DATES: March 18, 1998 and May 6, 1998

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, submitted a written statement dated March 10, 1998 opposing the application unless the Board stipulates the following conditions:

1. The use of the proposed rear access road is for emergency vehicles only (fire, ambulance, police);
2. The abutting Lot 22 which was recently purchased by the school should remain undeveloped; and,
3. The applicant shall enter into a binding enforceable construction agreement with the ANC or its designee covering, but not limited to, the hours of operation, construction parking, noise abatement, clean-up of debris from surrounding streets, dirt hauling route(s), and complaint resolution. The ANC recommended that the agreement be attached to the order.

The Board notes that the ANC is not opposed to the proposed addition to the existing gymnasium. Rather, the ANC is seeking a measure of assurance that the applicant would limit vehicular traffic to the rear road, not expand the institutional use into the surrounding residential neighborhood, not adversely impact its neighbors, and adhere to specific operating procedures while construction is underway.

As directed by DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception

pursuant to 11 DCMR Section 206. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in the proceeding. Accordingly, a decision by the Board to grant the application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The existing driveway at Utah Avenue located on Lot 22, which is owned by the school, may provide ingress and egress to a new required access road behind the proposed gymnasium. Use of the access road shall be limited to emergency vehicles and maintenance equipment only. The existing driveway on Lot 22 may also continue to provide ingress and egress to the existing private driveway and single-family house located on Lot 21, which is not owned by the School. There shall be no connection between the driveway that is located on Lot 22 and the school's parking lot, or any of the other roadways that are located on the campus.
2. St. John's shall enter into a construction management plan with ANC 3G and will work in good faith to accommodate the concerns of the neighbors. The construction management plan shall include the usual and customary terms covered by such agreements, including hours of construction, maintenance of construction site, removal of construction debris, noise abatement, dirt hauling route(s), and complaint resolution.

Pursuant to 11 DCMR Section 3301.1, the Board determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Laura M. Richards, Maybelle Taylor Bennett, and Sheila Cross Reid to grant; Susan Morgan Hinton abstaining; Betty King not present, not voting.)

An official transcript of the proceeding was required prior to preparation of the order. At the public meeting of April 1, 1998, the Board could not consider a Motion made by the applicant to adopt a draft summary order due to the lack of a quorum of members who heard the case. The record was sent to Board members King and Foushee. At the public meeting of May 6, 1998, the Board considered the applicant's Motion and clarified all outstanding issues.

THIS ORDER WAS ADOPTED, AS MODIFIED, BY THE BOARD OF ZONING ADJUSTMENT AT ITS PUBLIC MEETING OF MAY 6, 1998.

VOTE: 3-0 (Betty King, Sheila Cross Reid and Maurice Foushee to adopt the proposed order, as modified.)

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: MAY 8 1998

PURSUANT TO D.C. CODE § 1-2531 (1987), SECTION 267 of D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT, HOME OCCUPATION PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16324

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 8 1998 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing, concerning the matter, and who is listed below:

Phil T. Feola, Esq.
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

Brother Thomas Gerrow
St. John's College High School
2607 Military Road, N.W.
Washington, D.C. 20015

Anne Renshaw, Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252
Northwest Station
Washington, D.C. 20015

ATTESTED BY: *Sheri M. Pruitt-Williams*
SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: MAY 8 1998